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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,490	03/04/2005	Takashi Aoki	SON-2842	7483
23353 7590 07/25/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
BITAR, NANCY				
ART UNIT		PAPER NUMBER		
2624				
MAIL DATE		DELIVERY MODE		
07/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/526,490

Applicant(s)

AOKI ET AL.

Examiner

NANCY BITAR

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6.
Claim(s) withdrawn from consideration: 7-16.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624

Nancy Bitar

Continuation of 3. NOTE: Claim 7 and 13 are non-compliant claims because they recite two labels (WITHDRAWN and CURRENTLY AMENDED) at the same time .

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has amended claim 7 and requested the rejoinder of claims 7-14. Note that amended claims 7-14 have never been examined because they were restricted out in the final rejection mailed 04/28/2008. Claim 7 is different than claim 1 since claim 7 teaches the " control command" on line 8 to retrieve the trim image which is distinct from the teaching of claim 1. Moreover, Claim 1, requires to read image data for each column at a time from a memory while claim 7 requires to read ONLY the trimmed image portion from the memory. Therefore, the two claims are not the same scope and claim 7-14 are directed to an invention that is independent from the original claims 1-6. Newly claims 15-16 has not been examined in the Final rejection and require further search and consideration. As the 102 rejection argument, applicant argues that Tanaka fails to teach or suggest" when a part of image data stored in the memory is trimmed, the controlling means is configured to control the image data reading means so as to read the image data for each column at a time from the memory." In response, Tanaka teaches a character information table 103 comprises a character number column 109 for identifying the respective characters and columns 110 to 113 for storing the data Xi, Yi and Wi and Hi and a degenerate code column 114. Therefore, the part of the image data that is trimmed is taught by Tanaka as the character trimming 102 that projects the image data stored in the image memory 101 to trim an area of each character and the controlling means that control the image data reading means so as to read the image data for each column at a time from the memory is taught in Tanaka as the image reader 100 see figure 16 and the control unit. Moreover , Tanaka teaches in column 3 lines 55-68 that the character information table 103 comprises a character number for identifying the respective character column 110 to 113 for storing the data Xi, Yi, Wi and Hi) therefore each column is read by the image reader of Tanaka. Applicant argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies" how the image data in the image memory is read" are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Finally, Applicant argument that the office action confuses the term in the claims as the data in the image memory 101 and then refers to image data as the character heuristics in the information table. It is true that Tanaka discloses the image data in two different parts since each item area and the corresponding main body page describing the content of the item area are recognized from a page image of the table of contents or index in a document, and the recognized data are stored in a table therefore the image data that are read are stored in a memory so the converted data are the same as the original data but has different codes (see figures 4A and 4B). .